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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/776,659	02/11/2004	Koan S. Chong	300.0007	3378

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EXAMINER

ZHEN, LI B

ART UNIT PAPER NUMBER

2194

DATE MAILED: 09/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/776,659	CHONG ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Li B. Zhen	2194	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 11 February 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 August 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>7/21/05;5/13/04</u> .  | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION

1. Claims 1 – 20 are pending in the application.

#### *Specification*

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract of the disclosure is objected to because the abstract uses form and legal phraseology. Correction is required. See MPEP § 608.01(b).

3. The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code [p. 8, lines 6, 10 and 14]. Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01. Appropriate correction is required.

4. The attempt to incorporate subject matter into this application by reference to hyperlink is ineffective because 37 CFR 1.57(d) states that incorporation by reference

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by hyperlink or other form of browser executable code is not permitted. Appropriate correction is required.

***Claim Rejections - 35 USC § 101***

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. Claims 15-20 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

7. In view of Applicant's disclosure, the medium is not limited to storage medium embodiments. The specification discloses transmission medium embodiments (e.g. microwaves, wireless; p. 7, lines 16 – 18). As such, the claim is not limited to statutory subject matter and is therefore non-statutory. To overcome this type of 101 rejection the claims need to be amended to include only the physical computer media (e.g., storage media) and not a transmission media or other intangible or non-functional media.

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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9. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

**10. Claims 1 – 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication No. 2003/0046404 to O'Neill et al. [hereinafter referred to as O'Neill] in view of U.S. Patent Application Publication No. 20030120800 to Novetzke et al. [hereinafter Novetzke].**

11. As to claim 1, O'Neill teaches the invention substantially as claimed including a system for session initiation protocol communications on a server [a SIP server program 206; p. 3, paragraph 0047], comprising:

a server [a SIP server program 206; p. 3, paragraph 0047] supporting communications with a client [a SIP client program 204; p. 3, paragraph 0047 and p. 4, paragraph 0050] conforming to session initiation protocol [Session Initiation Protocol; p. 1, paragraph 0002];

means for sending a service unavailable message [message library includes a respective delivery failure message for each SIP message delivery failure mode,

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including for example, destination SIP user agent unavailable, user unavailable; p. 5, paragraph 0064] to said client [respective SIP server selects an appropriate message from an associated message library (not shown) for inclusion with the original SIP message in step 522; p. 5 paragraph 0064];

means for causing said server to maintain support for uncompleted session initiation protocol invites [button 308 represents the "CANCEL" request for terminating incomplete call requests; p. 3, paragraph 0048] accepted by said server [A call acceptance message 134 is then sent back to the proxy server; p. 3, paragraph 0046]; and

means for terminating support for session initiation protocol communications on said server [button 306 represents the "BYE" request for terminating a call or a call request; p. 3, paragraph 0048].

Although O'Neill teaches the invention substantially, O'Neill does not teach means for setting a time period for gracefully terminating support for session initiation protocol communications on said server, means for causing said server to maintain support, until no later than the expiration of said time period for terminating support, for uncompleted session initiation protocol invites accepted by said server before sending said service unavailable message to said client; and means for terminating support for session initiation protocol communications on said server no later than upon expiration of said time period for terminating support.

However, Novetzke teaches a protocol that provides network, transport, session and presentation layers of the open systems interconnection model [p. 3, paragraph

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0039], session initiation [p. 8, paragraph 0114], means for setting a time period [Time to Termination 53, 54, 55] for gracefully terminating support for session initiation protocol communications on said server [Time to Termination 53, 54, 55 allows a grace period for the PC to close out it's session; p. 7, paragraph 0112], means for causing said server to maintain support [allows a grace period for the PC to close out it's session; p. 7, paragraph 0112], until no later than the expiration of said time period for terminating support [If the Time to Hang-up is set to zero the connecting port will hang-up as soon as the transmission is complete; p. 7, paragraph 0112], for uncompleted session initiation protocol invites [initial connection sequence; p. 7, paragraph 112] accepted by said server [call back 52 acknowledgement packet; p. 7, paragraph 0111] before sending said service unavailable message to said client [Callback response possibly containing a timeout session layer; p. 8, paragraph 0129]; and means for terminating support for session initiation protocol communications [Application 42 will terminate the session with a terminate 47 packet; p. 6, paragraph 0091] on said server no later than upon expiration of said time period for terminating support [p. 7, paragraph 0112].

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Novetzke and O'Neill because Novetzke's teachings provide an indicator to the connection port that the connection is being terminated and allow the computer and connecting port to disconnect in unison [p. 8, paragraph 0129 of Novetzke] and provide a method for closing off the current session and logs any results to the history buffer [p. 8, paragraph 0126 of Novetzke].

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12. As to claim 2, O'Neill teaches sending said service unavailable message in response to a session initiation protocol invite received by said server from said client [message library includes a respective delivery failure message for each SIP message delivery failure mode, including for example, destination SIP user agent unavailable, user unavailable; p. 5, paragraph 0064].

13. As to claim 3, O'Neill as modified by Novetzke teaches the server comprises means for informing said client of said time period for terminating support [Time to Termination 53, 54, 55 allows a grace period for the PC to close out it's session; p. 7, paragraph 0112 of Novetzke] together with said service unavailable message [p. 5, paragraph 0064 of O'Neill]. As to the motivation for combining O'Neill and Novetzke, see the rejection to claim 1 above.

14. As to claim 4, O'Neill does not teach rejection session initiation protocol service invites after sending the service unavailable message to the client. However, Novetzke teaches the server comprises means for rejecting session initiation protocol service invites received after sending said service unavailable message to said client [Call Back 52 must contain a Timeout session layer with the Time to Hang-up field set to zero. Subsequent commands will not be accepted from the PC during this phone call; p. 7, paragraph 0111]. It would have been obvious to a person of ordinary skilled in the art at the time the invention was made to combine the teachings of Novetzke and O'Neill because Novetzke's teachings specifies number of seconds the computer should wait



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before attempting to call back, which allows the Modem/Communicator a window of time in which the Customer Monitoring station may be notified [p. 7, paragraph 110 of Novetzke].

15. As to claim 5, O'Neill teaches a second server [SIP network servers; p. 4, paragraph 0054] supporting communications with said client conforming to session initiation protocol [a SIP server program 206; a SIP client program 204; p. 3, paragraph 0047].

16. As to claim 6, O'Neill does not teach sending server status test messages until the server re-establishes support for session initiation protocol communications. However, Novetzke teaches the client comprises means for sending server status test messages [attempt a reconnect; p. 7, paragraph 0111] to said server until said server re-establishes support for session initiation protocol communications with said client [call back 52 acknowledgement packet allows the connection port the ability to instruct the connecting application to disconnect and attempt a reconnect in a specified number of seconds; p. 7, paragraph 0111]. It would have been obvious to a person of ordinary skilled in the art at the time the invention was made to combine the teachings of Novetzke and O'Neill because Novetzke's teachings allow a computer stop the connection request immediately and request the computer to call back in a specified interval [p. 7, paragraph 0112 of Novetzke]. This frees up the computer to perform

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other processing and try the connection request at a later time when the server is available.

17. As to claim 7, O'Neill teaches the client comprises means for deleting said server [SIP URL is invalid; p. 5, paragraph 0059] from a list of stream control transmission protocol associations [a location database; p. 5, paragraph 0059] until expiration of said time period for terminating support [user will be available at <time, date>; p. 5, paragraph 0064].

18. As to claims 8 – 14, these are method claims that correspond to system claims 1 – 7; note the rejection to claims 1 – 7 above, which reads on these method claims.

19. As to claims 15 – 20, these are product claims that correspond to system claims 1 – 4, 6 and 7; note the rejections to claims 1 – 4, 6 and 7 above, which reads on these product claims.

### ***Conclusion***

20. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 6,615,236 discloses a system and method which allows the network server in a SIP-based telephony network to perform all the functions of a traditional PBX system.

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U.S. Patent Application Publication No. 2004/0177353 discloses a method of gracefully managing incoming access requests during an update event from a plurality of electronic devices in a communication network.

### CONTACT INFORMATION

21. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Li B. Zhen whose telephone number is (571) 272-3768. The examiner can normally be reached on Mon - Fri, 8:30am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Thomson can be reached on 571-272-3718. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Li B. Zhen  
Examiner  
Art Unit 2194  
September 1, 2006



LBZ